

IN THE United States District Court  
For The Western District of Virginia  
ROANOKE DIVISION

Michael N. Brown #1073352  
Plaintiff

CASE NO. 7:16-cv-00330

VS. EARL R. BARKSDALE, Warden, Red Onion State Prison et al

Curtis L Parr, Regional Ombudsman

J.B. Messer R.O.S.P. Grievance dept.

Fore, Sgt C-Bldg R.O.S.P.

Mullins, Prison Guard C-Bldg R.O.S.P.

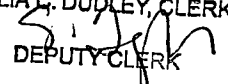
OWENS, Prison Guard C-Bldg R.O.S.P.

John Doe, Prison Guard C-Bldg R.O.S.P.

Jason Gillian, Nurse, C-Bldg R.O.S.P.

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

JUL 13 2016

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

Civil Action

This is a Civil Action Authorized by U.S.C. 42  
Section 1983 to redress the deprivation of rights  
Constitution of the United States 8th And 14th  
Amendments, deliberate indifference to medical needs,  
Cruel and unusual punishment and denial of due process.

Jurisdiction & VENUE

The United State district court For the Western district  
of Virginia is the Appropriate Venue under U.S.C 28 Section 1391  
(b)(2) because it is where the Events giving rise to this claim occurred.

Plaintiff

The Plaintiff, Michael N. Brown #1073352 is and  
was at all times mentioned here a prisoner at Red Onion  
State Prison (R.O.S.P.) in the State of Virginia, County  
of WISE, Town of Pound, Virginia.

## EXHAUSTION OF ADMINISTRATIVE REMEDIES

Exhibit=A, Emergency Grievance #003911, dated 7-3-2015  
Exhibit=B, Informal Complaint #00983 dated July 11th 2015  
Exhibit=C, Certificate of Service dated July 13th 2015  
Exhibit=D, Certificate of Service dated 8-16-15  
Exhibit=E, Regular Grievance dated 8-7-15  
Exhibit=F, Letter to Warden Baskerville dated 8-15-15  
Exhibit=G, Letter to Warden Baskerville dated 9-17-15  
Exhibit=H, Letter to Curtis L Parr, regional Ombudsman, dated 9-27-15

## STATEMENT OF CLAIM

- 1 The Following Events can be Corroborated/Verified via the CAMERA Footage recorded by the EVER expanding Surveillance system which At the very Least covers EVERY isolation cell door in "C-Building" At Red Onion state prison Along with the Common AREAS.
- 2 The plaintiff suffered A broken Foot Friday morning July 3rd 2015, Defendants Mullins & Nurse Gillian were standing in front of cell #315 but refused to come to plaintiffs cell #320, 5 doors away, to respond to plaintiffs claim of having broken his Foot.
- 3 At Approximately 9am July 3rd 2015 the plaintiff Filled up the first of what would be 6 Emergency grievance Forms with his request For medical Attention For A broken Foot.
- 4 The defendants proceeded to destroy EACH Emergency/ Grievance I placed in my cell door #320 that day to prolong my suffering And deny me Access to medical treatment.
- 5 At Approximately 3pm Nurse Gillian, Accompanied by Owens, Arrived At my cell door And Looked At my broken Foot AS I sat on my bunk, He told Owens "His Foot is jacked up," to which Owens shrugged And mumbled, defendant Gillian Looked At the 5th Emergency Grievance Left in my cell door And

6. told the plaintiff he could/would do nothing until someone with security signed and processed the Emergency Grievance Form.

7 At Approximately 4pm Sgt Fore Arrived At the door of the plaintiffs cell and removed and destroyed that 5th Emergency Grievance and handed the plaintiff a 6th blank one explaining that if I really wanted medical attention I should fill this one out without naming any guards, then I could go to medical for an evaluation.

8 Sgt Fore Accepted that Emergency Grievance #003911 (Exhibit A) and plaintiff was moved to medical isolation for treatment and evaluation where X-ray later confirmed a fracture in plaintiffs foot.

9 The defendant choose to, or Aided each other, to delay plaintiffs Access to medical care, played Gatekeepers to such treatment, prolonging pain and suffering, showing callous indifference to plaintiffs rights.

### Relief Sought

The plaintiff Asks the Court to Award money damages in the Amount of \$1000.00 From each of the defendants.

### Place of incarceration

Has been and remains Red Onion State Prison  
Pound VA. 24279 P.O. Box 1900

I declare under penalty of perjury the foregoing to be true and correct.

Signed this day of June 28th 2016

Michael N Brown

Michael N Brown #1073352